

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

MICHAEL S. GRIFFIS

PLAINTIFF

v.

Civil No. 05-3040

SHERIFF CHUCK MEDFORD, et al.

DEFENDANTS

**O R D E R**

Now on this 28th day of July, 2008, comes on for consideration the **Magistrate Judge's Report and Recommendation** (Doc. 196) herein and the **Plaintiffs' Objections to the Magistrate Judge's Report and Recommendation** (Doc. 199). The Court has reviewed this case *de novo* and, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. In his Report and Recommendation, Magistrate Judge James R. Marschewski recommended that judgment be entered in favor of plaintiff and against former Carroll County Sheriff Chuck Medford on plaintiff's claims that he was denied due process while incarcerated at the Carroll County Detention Center when placed on lock-down and when placed in a restraint chair. Magistrate Judge Marschewski recommending awarding plaintiff \$7,207.00 in damages.

2. In his objections to the Report and Recommendation, plaintiff states that he "had, has and still is demanding a trial by jury." (Doc. 199 at pg. 1.) This objection is without merit and is overruled, as plaintiff did not make a timely demand for a jury trial.

3. Plaintiff also objects that "the Court has refused to produce the transcript[] from the evidentiary hearing" conducted by Magistrate Judge Marschewski. (Id.) Plaintiff's request for a transcript was denied as premature, as it was made prior to the issuance of the Report and Recommendation. Plaintiff did not renew his transcript request after the Report and Recommendation was filed. Further, Magistrate Judge Marschewski thoroughly summarized the witnesses' testimony in his 52 page Report and Recommendation and plaintiff does not identify any testimony with which he takes issue. Accordingly, plaintiff's objection is overruled.

4. Plaintiff's remaining objections relate to previous rulings by the Magistrate Judge and claims that were previously dismissed. Plaintiff's attempt to re-litigate these issues is improper and his objections in this regard are, therefore, overruled.

5. Based on the foregoing, the Court concludes that the plaintiff's objections offer neither law nor fact requiring departure from the Report and Recommendation and the same should be, and it hereby is, adopted *in toto*. A separate judgment will be entered accordingly.

**IT IS SO ORDERED.**

/s/Jimm Larry Hendren  
HON. JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE